

*Filed*  
SI  
5

TREVOR J. ZINK, ESQ. (SBN 218860)  
OMNI LAW GROUP, LLP  
1210 S. Bascom Ave., Suite 220  
San Jose, CA 95128  
Telephone: (408) 288-6664  
Facsimile: (888) 628-6664

**E-FILING**

**FILED**

2008 AUG -5 A 10:39

RICHARD W. WIERING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

Attorneys for Plaintiff,  
JOANN JACKSON

**ADR**

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF CALIFORNIA

JOANN JACKSON,

Plaintiff,

v.

JOHN E. POTTER, POSTMASTER  
GENERAL

Defendant.

CASE NO. **08 03734**

**COMPLAINT FOR RELIEF FOR  
RACE DISCRIMINATION AND  
RETALITATION FOR PROTESTING  
ILLEGAL DISCRIMINATION**

**HRL**

**(DEMAND FOR JURY TRIAL)**

**JURISDICTION**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination, including race discrimination and retaliation for reporting discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. §§ 2000e-5(f), 28 U.S.C. § 1331, and 29 U.S.C. § 201 et seq. The jurisdiction of this Court is invoked to secure the protection of and to redress deprivation of rights secured by 42 U.S.C. §§ 2000e et seq., providing for relief against racial, religious, national origin, and sex discrimination in employment, and forbidding retaliation against an individual for participating in a Title VII employment discrimination process.

**VENUE**

2. Venue is appropriate and proper in the United States District Court for the Northern District of California under 28 U.S.C.A. Section 1391(b) because the events made the basis of this suit occurred in the City of Oakley, County of Contra Costa, State of California.

PLAINTIFF

3. Plaintiff, JOANN JACKSON, is an individual citizen of the United States of America residing in the County of Contra Costa, State of California.

DEFENDANT

4. Defendant, JOHN E. POTTER, is the Postmaster General of the United States Postal Service. All actions complained of herein were undertaken against Plaintiff by the United States Postal Service, its duly authorized employees, agents, representatives, and/or assigns, in Oakley, California. For purposes of this litigation, JOHN E. POTTER, Postmaster General, is named herein as the Defendant in this action on behalf of, and at the direction of, the United States Postal Service.

## EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. On or about November 13, 2007, Plaintiff filed a timely charge of discrimination with the U. S. Postal Service's National EEO Investigative Services Office. On March 5, 2008, a copy of the investigative file was transmitted to Plaintiff. On April 1, 2008, Plaintiff's counsel requested a Final Agency Decision. The United States Postal Service issued its Final Agency Decision by letter dated May 7, 2008. Pursuant thereto, this complaint has been filed within 90 days after the date of the Final Agency Decision.

### NATURE OF ACTION

6. This is a proceeding for a declaratory judgment as to Plaintiff's rights, and for a permanent injunction, restraining Defendant from maintaining a policy, practice, custom or usage of hostility, discrimination, and harassment discriminating against Plaintiff with respect to compensation, terms, conditions, and privileges of employment and in ways that deprive Plaintiff of equal employment opportunities and otherwise adversely affect Plaintiff's employment status because of Plaintiff's race. This complaint also seeks restitution to Plaintiff of all rights, privileges, benefits and income that would have been received by Plaintiff but for Defendant's unlawful and discriminatory practices. This complaint further seeks compensatory and punitive damages for Plaintiff.

///

FACTUAL ALLEGATIONS

7. Plaintiff, JOANN JACKSON, is an African American adult female who was hired by the United States Postal Service ("U.S.P.S.") in or around August 2006 as a Rural Carrier Associate ("RCA") in Oakley, California.

8. On July 13, 2006, as part of the application process, Plaintiff put on her job application submitted to the U.S.P.S. that she had never been convicted of a crime (**Exhibit A**). On or about July 18, 2006, the U.S.P.S. obtained a report of Plaintiff's criminal history from the California Department of Justice (**Exhibit B**). This report states in relevant part, "Based upon a fingerprint search of records contained in BCII files, NO CRIMINAL HISTORY RECORD EXISTS for the above named individual." On or about August 10, 2006, the U.S.P.S. obtained a Federal Bureau of Investigation report evidencing Plaintiff's criminal history (the "FBI Report") (**Exhibit C**). The report evidences that Plaintiff was arrested in 1995. The document makes no mention of any conviction, nor had Plaintiff ever been convicted of any crime.

9. Between approximately June and November 2007, Plaintiff was the only African-American RCA in the Oakley U.S.P.S. office. During this time period, Plaintiff was subjected to repeated acts of hostility and discrimination while working at the Oakley, California U.S.P.S. office. Specifically, each of the following occurred during this time period:

a. In June 2007, Plaintiff informed her supervisor, Pete Hurtado, that she had three medical appointments that were all more than four weeks away for which she would like time off. The relevant schedules had not been made at the time Plaintiff made her request. Immediately after Plaintiff handed the three appointment cards to Mr. Hurtado, he threw the cards at her and said he did not have to honor her requests. Plaintiff is aware that Mr. Hurtado approved several vacation requests for other RCAs around this time period.

b. During this time period, Mr. Hurtado scheduled Plaintiff to work only one day per week though she repeatedly requested to work more days. During this time period, all of the other RCAs were usually scheduled to work more than one day per week.

- 1 c. During this time period, Plaintiff asked Mr. Hurtado if she could assist with  
2 sorting mail for the purpose of picking up extra hours. Mr. Hurtado refused her  
3 request stating that Plaintiff does not know the "scheme" for sorting. Plaintiff is  
4 aware that her coworker Nicole was allowed to help with sorting at a time when  
5 she was not aware of the "scheme".
- 6 d. During this time period, Plaintiff asked Mr. Hurtado if she could assist with  
7 working on the clerk side for the purpose of picking up extra hours. Mr. Hurtado  
8 refused her request stating that Plaintiff does not know the "scheme" for the clerk  
9 side. Plaintiff is aware that during this time period her coworkers helped on the  
10 clerk side without knowledge of the "scheme".
- 11 e. During this time period, Mr. Hurtado regularly assigned Plaintiff's route to other  
12 RCAs and/or Temporary Rural Carriers ("TRC"). When Plaintiff asked why her  
13 route was assigned to another RCA, Mr. Hurtado stated that he was in charge and  
14 he could assign it to whomever he wants. Plaintiff is informed and believes that  
15 Mr. Hurtado regularly assigned Plaintiff's route to other RCAs as part of a pattern  
16 of discriminatory employment practices.
- 17 f. On September 28, 2007, Plaintiff showed up for work and soon thereafter, her  
18 keys were missing. The keys were later found at the bottom of a mail tub.  
19 Plaintiff is informed and believes that Mr. Hurtado hid her keys and/or was aware  
20 of who hid her keys and did not tell her. Plaintiff is informed and believes that  
21 Mr. Hurtado hid Plaintiff's keys, or allowed them to be hid, as part of a pattern of  
22 discriminatory employment practices.
- 23 g. On October 12, 2007, Plaintiff showed up for work prepared to deliver mail, but  
24 her mail tub was missing. The next day, Mr. Hurtado admitted to intentionally  
25 hiding Plaintiff's mail from her. Plaintiff is informed and believes that Mr.  
26 Hurtado hid Plaintiff's mail as part of a pattern of discriminatory employment  
27 practices.
- 28 h. On October 27, 2007, Plaintiff was standing near two coworkers who were talking

1 about Halloween. One of the coworkers stated that he is color blind and cannot  
2 see the color black, and therefore he could not see Plaintiff. Plaintiff is informed  
3 and believes that this comment and other similar prejudicial comments about the  
4 African American race were tolerated by Mr. Hurtado as part of a pattern of  
5 discriminatory employment practices.

6 10. In October 2007, Plaintiff filed a grievance with her union complaining of  
7 discrimination by Mr. Hurtado. As a result of Plaintiff's grievance, Plaintiff and Mr. Hurtado  
8 signed several agreements on November 10, 2007, which required the U.S.P.S. management to  
9 do, among others, each of the following:

- 10 a. Management must begin following the "matrix", which required filling  
11 shifts with RCAs, when available, before using TRCs.
- 12 b. Management must assign or train RCAs on routes before TRCs.
- 13 c. Management must not require Plaintiff to learn the subject "scheme"  
14 before being allowed to work in the mail sorting department.
- 15 d. Plaintiff was to immediately be given equal hours working the clerk  
16 counter as other RCAs and TRCs.
- 17 e. Management must provide auxiliary assistance to Plaintiff equal to that  
18 given to other RCAs and TRCs.
- 19 f. Management must provide Plaintiff with the same opportunity to use a  
20 U.S.P.S. vehicle when needed.

21 11. Between November 10, 2007, and December 28, 2007, Mr. Hurtado and the other  
22 U.S.P.S. management failed to fulfill any of the above-listed obligations.

23 12. On November 13, 2007, Plaintiff filed her EEO Complaint of Discrimination  
24 alleging discrimination by the U.S.P.S., and more specifically Mr. Hurtado.

25 13. On December 18, 2007, Mr. Hurtado obtained a copy of the FBI Report. Shortly  
26 thereafter, Mr. Hurtado and Joseph Becerra, Plaintiff's coworker, met with Plaintiff without any  
27 Union representative present. In this meeting, Mr. Hurtado confirmed that Plaintiff stated on her  
28 job application that she had not been convicted of a crime. He then showed Plaintiff the FBI

1 Report and asked her about the "arrests", which Plaintiff confirmed was accurate. Mr. Hurtado  
2 then immediately terminated Plaintiff based on the FBI Report and her job application, claiming  
3 that the application contained false information. Plaintiff explained that the events identified in  
4 the FBI Report occurred when she was a juvenile, which the job application states need not be  
5 disclosed, and, in any event, did not result in a "conviction". When Mr. Hurtado continued to  
6 press Plaintiff on the issue, Plaintiff repeatedly stated that she had never been convicted of any  
7 crime and that her job application was completely accurate.

8 14. On or about December 28, 2007, Plaintiff obtained a copy of a document from the  
9 Contra Costa County Superior Court, Criminal Division, evidencing that there was no record of  
10 any criminal conviction against Plaintiff in Contra Costa County, the jurisdiction identified in the  
11 FBI Report (**Exhibit D**). That same day, Plaintiff delivered a copy of the document she obtained  
12 from the Contra Costs County Superior Court to Mr. Hurtado.

13 15. On or about December 31, 2007, Plaintiff received a letter dated December 28,  
14 2007, from Mr. Hurtado stating the reason for her termination, which was "Falsification of  
15 Employment Application" (**Exhibit E**). The letter quotes the job application as follows:

16 Have you ever been convicted of a crime or are you now under charges for any offense  
17 against the Law? You may omit: (1) any charges that were dismissed or resulted in  
18 acquittal; (2) any conviction that has been set aside, vacated, annulled, expunged, or  
19 sealed; (3) any offense that was finally adjudicated in a juvenile court or juvenile  
20 delinquency proceeding; and (4) any charges that resulted only in a conviction of a non-  
criminal offense. All felony and misdemeanor convictions and all convictions in state  
and federal courts are criminal convictions and must be disclosed. Disclosure of such  
convictions is required even if you did not spend any time in jail and/or were not required  
to pay a fine.

21 The letter correctly identifies that Plaintiff was arrested in 1995, but incorrectly states that this  
22 constitutes falsification of her employment application when it says Plaintiff "failed to disclose  
23 the aforementioned conviction." Plaintiff clearly and repeatedly stated to Mr. Hurtado during  
24 their meeting that she had never been convicted of any crime, and Plaintiff provided Mr. Hurtado  
25 with a copy of the Contra Costa Superior Court document evidencing that the FBI Report was  
26 not referring to a "conviction".

27 ///

28 ///



**FIRST CAUSE OF ACTION**

**(Discrimination in Employment Based on Race)**

16. Plaintiff refers to the allegations of Paragraphs 1 through 15 and by such reference repleads and incorporates them as though fully set forth herein.

17. The conduct of U.S.P.S. as set forth above, constitutes unlawful discrimination against Plaintiff on the basis of race, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-16, and 29 U.S.C. 201 et seq.

18. Defendant U.S.P.S. further violated these statutes in that the U.S.P.S. was motivated in taking the above alleged actions, at least in part, by Plaintiff's complaints to the Union and EEO Compliance that Defendant had violated these statutes.

19. As a proximate result of Defendant's conduct, Plaintiff has suffered and continues to suffer substantial losses in earnings, job experience, retirement benefits, and other employee benefits which she would have received absent Defendant's discrimination. Furthermore, Plaintiff has incurred additional costs and expenses due to Defendant's discrimination. Plaintiff does not know at this time the exact amount of her damages, but is informed and believes, and thereon alleges, that the amount of her loss will be \$100,000 or more. Plaintiff requests leave of the court to amend the complaint when these damages are more fully known.

20. As a further proximate result of the above-mentioned acts, Plaintiff has suffered humiliation, mental pain and anguish, all to Plaintiff's damage in an amount to be proven at trial.

21. The above-mentioned acts of Defendant were willful, wanton, malicious, and oppressive, and justify the awarding of exemplary and punitive damages in an amount to be proven at trial.

WHEREFORE, Plaintiff prays this Court advance this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited, and on such hearing to this Court, that it:

1. Enter a declaratory judgment that the practices complained of herein are unlawful and violative of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-16, and 29 U.S.C. 201 et seq.;

1           2.       Permanently enjoin Defendant, its agents, successors, officers, employees,  
2 attorneys and those acting in concert with it or them from engaging in each of the unlawful  
3 practices, policies, customs, and usages set forth herein, and from continuing any and all other  
4 practices, policies, customs, and usages set forth herein, and from continuing any and all other  
5 practices shown to be in violation of applicable law;

6           3.       Order modification or elimination of practices, policies, customs, and usages set  
7 forth herein and all other such practices shown to be in violation of applicable law so that they do  
8 not discriminate on the basis of race.

9           4.       Immediately reinstate Plaintiff's employment with the U.S.P.S., and adjust the  
10 wage rates, salaries, bonuses, and benefits for Plaintiff to that level which she would be enjoying  
11 but for the discriminatory practices of Defendant;

12          5.       Compensate and make whole Plaintiff for all earnings, wages, retirement benefits,  
13 worker's compensation benefits, and other benefits she would have received but for the  
14 discriminatory practices of Defendants;

15          6.       Compensate and make whole Plaintiff for all damages she has incurred as a result  
16 of stress, emotional distress, humiliation, demoralization, and loss of self esteem as a result of  
17 the discriminatory practices of Defendant;

18          7.       Award Plaintiff the costs and disbursements of the action, including reasonable  
19 attorney's fees in accordance with 42 U.S.C. Section 2000e-5(k);

20          8.       Award compensatory damages to Plaintiff in an amount to be proven at trial;

21          9.       Award punitive damages to Plaintiff in the amount of \$500,000.00; and

22          10.      Grant such other relief as may be just and proper.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



JURY DEMAND

Plaintiff demands a jury trial on her claims.

Date: August 5, 2008

**OMNI LAW GROUP, LLP**



TREVOR J. ZINK,  
Attorneys for Plaintiff, JoAnn Jackson

**EXHIBIT A**



**Application for Employment**  
The US Postal Service is an Equal Opportunity Employer  
(Shaded Areas for Postal Service Use Only)

Rated Application			Veteran preference has been verified through proof that the separation was under honorable conditions, and other proof as required. (See Section D below.)	Check One:  <input type="checkbox"/> 10 pts. CPS <input type="checkbox"/> 10 pts. CP <input type="checkbox"/> 10 pts. XP <input type="checkbox"/> 5 pts. TP
Rated For	Rating	Date Rcvd.		
		Time Rcvd.	Type of Proof Submitted & Date Issued	
Signature & Date			Verifier's Signature, Title & Date	

**A. General Information**

1. Name (First, MI, Last) <u>Jo A Jackson</u>	2. Social Security No. (SSN) <u>557-373626</u>	3. Home Telephone <u>925-7516-6188</u>
4. Mailing Address (No., Street, City, State, ZIP Code) <u>1201 Mission Dr. Antioch CA 94509</u>	5. Date of Birth <u>07-17-1975</u>	6. Work Telephone <u>925-625-7354</u>
8. Kind of Job Applied for and Postal Facility Name & Location (City & State) <u>Rural Carrier Antioch, CA Oakley or Brentwood</u>	9. Will You Accept: Temporary/Casual (Noncareer) Work? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	10. When Will You Be Available? <u>After I give 2 weeks notice to current employer</u>
11. Are You Willing to Travel? (Complete only if you are applying for an executive or professional position.) <input type="checkbox"/> Yes <input type="checkbox"/> No		

**B. Educational History**

1. Name and Location (City & State) of Last High School Attended <u>Richmond High (Albany) Richmond, CA</u>	2. Are You a High School Graduate? Answer "Yes" if you expect to graduate within the next 9 months, or you have an official equivalency certificate of graduation. <input type="checkbox"/> Yes - Month & Year: <input checked="" type="checkbox"/> No - Highest Grade Completed: <u>11th</u>					
3a. Name and Location of College or University (City, State, and ZIP Code if known. If you expect to graduate within 9 months, give month and year you expect degree.)	Dates Attended		No. of Credits Completed		Type Degree (BA, etc.)	Year of Degree
	From	To	Semester Hrs.	Quarter Hrs.		
3b. Chief Undergraduate College Subjects	Semester Hrs. Completed	Quarter Hrs. Completed	3c. Chief Graduate College Subjects		Semester Hrs. Completed	Quarter Hrs. Completed
4. Major Field of Study at Highest Level of College Work <u>NA</u>						
5. Other Schools or Training (For example, trade, vocational, armed forces, or business. Give for each: Name, City, State, and ZIP Code, if known, of school; dates attended; subjects studied; number of classroom hours of instruction per week; certificates; and any other pertinent information.)						

**6. Honors, Awards, and Fellowships Received****7. Special Qualifications and Skills** (Licenses; skills with machines, patents or inventions; publications - do not submit copies unless requested, public speaking; memberships in professional or scientific societies; typing or shorthand speed, etc.)

Name (First, MI, Last) SO A Jackson Social Security No. 557-37-3626 Date 7-13-06

## C. Work History

(Start with your present position and go back for 10 years or to your 16th birthday, whichever is later. You may include volunteer work. Account for periods of unemployment in separate blocks in order. Include military service. Use blank sheets if you need more space. Include your name, SSN, and date on each sheet.)

May the US Postal Service ask your present employer about your character, qualifications, and employment record? A "No" will not affect your consideration for employment opportunities. ☒ Yes ☐ No

1.	Dates of Employment (Month & Year) From <u>5-24-06</u> To <u>Present</u>	Grade If Postal, Federal Service or Military	Starting Salary/Earnings \$ <u>8.00</u> per <u>hr.</u>
	Exact Position Title <u>CARE GIVER</u>	Number and Kind of Employees Supervised	Present Salary/Earnings \$ <u>1.024</u> per <u>Month</u>
	Average Hours per Week <u>32</u>	Kind of Business (Manufacturing, etc.)	Place of Employment (City & State) <u>Oakley, CALIF</u>
	Name of Employer and Complete Mailing Address <u>K.C'S Sunshine home</u> <u>&amp; Angelic 2 125 Brownstone</u> <u>Oakley, CA 94661</u>	Name of Supervisor <u>Kathy Cook</u>	Telephone No. (If known) <u>925 757-7374</u>

Reason for Leaving

Payroll checks are always bouncing & higher pay

Description of Duties, Responsibilities, and Accomplishments

Caring for disabled children. Giving medication when  
or as needed. Dressing, feeding giving them baths  
& taking them on outings.

2.	Dates of Employment (Month & Year) From <u>2-006</u> To <u>Present</u>	Grade If Postal, Federal Service or Military	Starting Salary/Earnings \$ <u>10.61</u> per <u>HR</u>
	Exact Position Title <u>Cashier-FS1</u>	Number and Kind of Employees Supervised	Present Salary/Earnings \$ <u>1018.50</u> per <u>month</u>
	Average Hours per Week <u>13</u>	Kind of Business (Manufacturing, etc.)	Place of Employment (City & State) <u>Antioch CA</u>
	Name of Employer and Complete Mailing Address <u>Antioch United School</u> <u>410 G. Street Antioch, CA</u>	Name of Supervisor <u>CARRY</u>	Telephone No. (If known) <u>925 756-5658</u>

Reason for Leaving

Better Paying job / more hours

Description of Duties, Responsibilities, and Accomplishments

Run cash Register stock & prepare food

I work 2 1/2 hours a day  
11/03 - 3/06 - unemployed

3.	Dates of Employment (Month & Year) From <u>9-2003</u> To <u>11-2003</u>	Grade If Postal, Federal Service or Military	Starting Salary/Earnings \$ <u>10.10</u> per <u>HR</u>
	Exact Position Title <u>Courtesy Clerk</u>	Number and Kind of Employees Supervised	Present Salary/Earnings \$ <u>0</u> per
	Average Hours per Week <u>40</u>	Kind of Business (Manufacturing, etc.)	Place of Employment (City & State) <u>Concord CA</u>
	Name of Employer and Complete Mailing Address <u>Safeway</u> <u>1223 Clayton Rd. Concord, CA</u>	Name of Supervisor <u>Bob Satchett</u>	Telephone No. (If known) <u>925 356-2710</u>

Reason for Leaving

Grocery/Retail was not where I wanted to be

Description of Duties, Responsibilities, and Accomplishments

Bag Groceries, collect carts, clean entire store  
& give outstanding customer service.

12-2003 - unemployed

4/2000 - 4/2001  
Unemployed

Name (First, MI, Last) <b>JO A JACKSON</b>		Social Security No. <b>557-37-3624</b>	Date <b>7-13-06</b>
Dates of Employment (Month & Year) From <b>8-2001</b> To <b>8-2002</b>		Grade If Postal, Federal Service or Military	Starting Salary/Earnings <b>\$13.00</b> per <b>HR</b>
Exact Position Title <b>CNA Recept</b>		Average Hours per Week <b>40</b>	Present Salary/Earnings <b>\$0</b> per
Name of Employer and Complete Mailing Address <b>Darville Village Care Center</b> <b>336 Diablo Blvd.</b> <b>Darville CA</b>		Kind of Business (Manufacturing, etc.) <b>Convalecent</b>	Place of Employment (City & State) <b>Darville CA</b>
Reason for Leaving <b>Personal injury to my daughter</b>		Name of Supervisor <b>Christian Williams</b>	Telephone No. (If known) <b>(925) 837-4526</b>

## Description of Duties, Responsibilities, and Accomplishments

**Care for the elderly w/feeding, clothing, bath, vital signs. Answered multi-lined phones operated all office machines & I gave out standing customer service.**

## D. Veteran Preference. (Answer all parts. If a part does not apply, answer "No".)

	Yes	No
1. Have you ever served on active duty in the US military service? (Exclude tours of active duty for training as a reservist or guardsman.)		✓
2. Have you ever been discharged from the armed service under other than honorable conditions? You may omit any such discharge changed to honorable by a Discharge Review Board or similar authority. (If "Yes," give details in Section F.)		✓
3. Do you claim 5-point preference based on active duty in the armed forces? (If "Yes," you will be required to furnish records to support your claim.)		✓
4. Do you claim a 10-point preference? If "Yes," check type of preference claimed and attach Standard Form 15, Claim for 10-Point Veteran Preference, together with proof called for in that form.		✓

☐ Compensable Disability  
(Less than 30%)

☐ Compensable Disability  
(30% or more)

☐ Non-Compensable  
Disability (includes Receipt  
of the Purple Heart)

☐ Wife/Husband

☐ Widow/Widower

☐ Mother

☐ Other:

## 5. List for All Military Service: (Enter N/A if not applicable)

Date (From - To)	Serial/Service Number	Branch of Service	Type of Discharge
N/A			

THE LAW (39 U.S. CODE 1002) PROHIBITS POLITICAL AND CERTAIN OTHER RECOMMENDATIONS FOR APPOINTMENTS, PROMOTIONS, ASSIGNMENTS, TRANSFERS, OR DESIGNATIONS OF PERSONS IN THE POSTAL SERVICE. Statements relating solely to character and residence are permitted, but every other kind of statement or recommendation is prohibited unless it either is requested by the Postal Service and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of an individual or is requested by a government representative investigating the individual's loyalty, suitability, and character. Anyone who requests or solicits a prohibited statement or recommendation is subject to disqualification from the Postal Service and anyone in the Postal Service who accepts such a statement may be suspended or removed from office.

Privacy Act Statement: The collection of this information is authorized by 39 USC 401 and 1001. This information will be used to determine your qualifications and suitability for USPS employment. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1613; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction, and to a labor organization as required by the National Labor Relations Act. Completion of this form is voluntary; however, if this information is not provided, you may not receive full consideration for a position.

COMPUTER MATCHING: Limited information may be disclosed to a federal, state, or local government administering benefits or other programs pursuant to statute for the purpose of conducting computer matching programs under the Act. These programs include, but are not limited to, matches performed to verify an individual's initial or continuing eligibility for, indebtedness to, or compliance with requirements of a benefit program.

Name (First, MI, Last) <b>SO A JACKSON</b>		Social Security No. <b>557-37-3626</b>	Date <b>7-13-06</b>
<b>E. Other Information</b>			
	Yes	No	
1. Are you one of the following: a United States citizen, a permanent resident alien, a citizen of American Samoa or any other territory owing allegiance to the United States?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RESERVED FOR OFFICIAL USE			
RESERVED FOR OFFICIAL USE			
If you answer "Yes" to question 4 and/or 5, give details in Section F below. Give the name, address (including ZIP Code) of employer, approximate date, and reasons in each case.	4. Have you ever been fired from any job for any reason?		<input checked="" type="checkbox"/> <b>II</b>
	5. Have you ever quit a job after being notified that you would be fired?		<input checked="" type="checkbox"/> <b>II</b>
6. Do you receive or have you applied for retirement pay, pension, or other compensation based upon military, postal, or federal civilian service? (If you answer "Yes," give details in Section F.)			<input checked="" type="checkbox"/>
Have you ever been convicted of a crime or are you now under charges for any offense against the Law? You may omit: (1) any charges that were dismissed or resulted in acquittal; (2) any conviction that has been set aside, vacated, annulled, expunged, or sealed; (3) any offense that was finally adjudicated in a juvenile court or juvenile delinquency proceeding; and (4) any charges that resulted only in a conviction of a non-criminal offense. All felony and misdemeanor convictions and all convictions in state and federal courts are criminal convictions and must be disclosed. Disclosure of such convictions is required even if you did not spend any time in jail and/or were not required to pay a fine.			<input checked="" type="checkbox"/> <b>II</b>
7b. While in the military service were you ever convicted by special or general court martial?			<input checked="" type="checkbox"/>
If you answer "Yes" to question 7a and/or 7b, give details in Section F. Show for each offense: (1) Date of conviction; (2) Charge convicted of; (3) Court and location; (4) Action taken. Note: A conviction does not automatically mean that you cannot be appointed. What you were convicted of, and how long ago, are important. Give all of the facts so that a decision can be made.			<input checked="" type="checkbox"/>
8. Are you a former Postal Service or Federal Employee not now employed by the US Government?			<input checked="" type="checkbox"/>
If you answer "Yes," give in Section F, name of employing agency(ies), position title(s), and date(s) employed.			<input checked="" type="checkbox"/>
9. Does the US Postal Service employ any relative of yours by blood or marriage?			<input checked="" type="checkbox"/>
Postal officials may not appoint any of their relatives or recommend them for appointment in the Postal Service. Any relative who is appointed in violation of this restriction can not be paid. Thus it is necessary to have information about your relatives who are working for the USPS. These include: mother, father, daughter, son, sister, brother, aunt, uncle, first cousin, niece, nephew, wife, husband, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepdaughter, stepson, stepsister, stepbrother, half sister, and half brother.			<input checked="" type="checkbox"/>
If you answer "Yes" to question 9, give in section F for such relatives: (1) Full name; (2) Present address and ZIP Code; (3) Relationship; (4) Position title; (5) Name and location of postal installation where employed.			<input checked="" type="checkbox"/>
10. Are you now dependent on or a user of ANY addictive or hallucinogenic drug, including amphetamines, barbiturates, heroin, morphine, cocaine, mescaline, LSD, STP, hashish, marijuana, or methadone, other than for medical treatment under the supervision of a doctor?			<input checked="" type="checkbox"/>
<b>F. Use This Space for Detailed Answers (Use blank sheets if you need more space. Include your name, SSN, and date on each sheet.)</b>			

<b>G. Certification</b>	Enter number of additional sheets you have attached as part of this application:	
I certify that all of the statements made in this application are true, complete, and correct to the best of my knowledge and belief and are in good faith.	Signature of Applicant <b>SO A JACKSON</b>	Date Signed <b>7-13-06</b>

Disclosure by you of your Social Security Number (SSN) is mandatory to obtain the services, benefits, or processes that you are seeking. Solicitation of the SSN by the USPS is authorized under provisions of Executive Order 9397, dated November 22, 1943. The information gathered through the use of the number will be used only as necessary in authorized personnel administration processes.

A false or dishonest answer to any question in this application may be grounds for not employing you or for dismissing you after you begin work, and may be punishable by fine or imprisonment. (US Code, Title 18, Sec. 1001). All information you give will be considered in reviewing your application and is subject to investigation.



**EXHIBIT B**

From CADOJ - PLEASE DO NOT REPLY OR SEND MAIL TO THIS ADDRESS <cadoj@doj.ca.gov>  
Date Tuesday, July 18, 2006 2:06 pm

To A03833@SMSS.DOJ.CA.GOV

Subject APP: CALIFORNIA - JACKSON, JO - CADOJ (.20060714164705\_26:489209.)

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Bureau of Criminal Identification and Information

P.O. Box 903417

Sacramento, CA 94203-4170

DATE: 07/18/2006

USFCPOSTAL SERVICE  
1750 LUNDY AVENUE  
SAN JOSE CA 95101

RE: DOJ APPLICANT CLEARANCE - NO RECORD RESPONSE

APP ORI: A1221  
APP NAME: JO ANN JACKSON  
APP TYPE: EMPLOYEE  
APP TITLE: RCA OAKLEY / DP  
APP SERVICE REQUESTED: CA/  
OCA: 055511  
SID: A011128475  
DOB: 07/17/1975  
SSN:  
CDL: NA  
ATI: M195JAJ013  
OATI:  
DATE SUBMITTED: 07/14/2006  
SCN #: K8861950015

APP ADDRESS:

Based upon a fingerprint search of records contained in BCII files, NO  
CRIMINAL HISTORY RECORD EXISTS for the above named individual.

Our records indicate you have a contract for subsequent arrest notification  
service with the Department of Justice. Therefore, you will be advised, in  
accordance with appropriate dissemination criteria, of subsequent  
arrests for this individual. Pursuant to Section 11105.2 of the  
California Penal Code your agency is required to notify the Department  
of Justice when it no longer has a legitimate interest in this subject, i.e.,  
the employment of the applicant is terminated or not employed, when the  
applicant's license or certification is denied or revoked, or when the  
applicant may no longer renew or reinstate the license or certificate.

Electronic Response Code: 03833

Email Address: A03833@SMSS.DOJ.CA.GOV

**EXHIBIT C**

CASE NAME: JACKSON

SOI: PO10

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

USOPM000Z  
PART 2

ICN IFCS0001000018270484

- FBI IDENTIFICATION RECORD - FBI NO-268156AB4

1-ARRESTED OR RECEIVED 1995/06/23 SID- CA11128475  
AGENCY-POLICE DEPARTMENT RICHMOND (CA0071000)  
AGENCY CASE-RA5265  
CHARGE 1-WNT#J9003231 FIGHTING IN PUBLIC  
CHARGE 2-VIO OF COURT ORDER

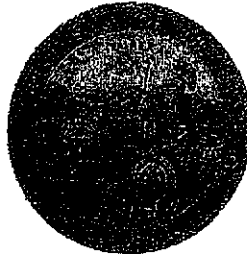
2-DATE OF APPLICATION 2006/07/13R (DATE FP)  
AGENCY-OPM BOYERS (USOPM000Z)  
AGENCY CASE-06E78166 NAME USED-JACKSON,JO ANN  
CIVIL PRINT - 08/10/2006

RECORD UPDATED 2006/08/10

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL  
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

**EXHIBIT D**



Superior Court of Contra Costa County  
Criminal Division  
725 Court Street, Room 127  
Martinez, CA 94553  
925-646-2440

Date: 12-28-07

To Whom It May Concern:

This court has no record of convictions on: To Ann Shaw

With the Date of Birth of: 07-17-75

Any case that we may have had has been purged pursuant to Government Code 68152.

Sincerely,

Adele M. Mullins

Deputy Clerk, Superior Court





**EXHIBIT E**



Date: December 28, 2007

Subject: Notice of Removal

To: Joanne Jackson SSN 3626  
Rural Carrier  
1201 Mission Dr.  
Antioch, Ca 94509-4614

You are hereby notified that you will be removed from the United States Postal Service no sooner than thirty days (30) from receipt of this notice. This action is based on the following reasons:

**Charge #2: Falsification Of Employment Application.**

You completed a job application (PS Form 2591) with the United States Postal Service on dated July 13, 2006. Under number 4 at section E - 7a the application for employment you were asked, "Have you ever been convicted of a crime or are you now under charges for any offense against the Law? You may omit: (1) any charges that were dismissed or resulted in acquittal; (2) any conviction that has been set aside, vacated, annulled, expunged, or sealed; (3) any offense that was finally adjudicated in a juvenile court or juvenile delinquency proceeding; and (4) any charges that resulted only in a conviction of a non-criminal offense. **All felony and misdemeanor convictions and all convictions in state and federal courts are criminal convictions and must be disclosed. Disclosure of such convictions is required even if you did not spend any time in jail and/or were not required to pay a fine.**

You checked the NO box and initialed that same box indicating that you had not been arrested and convicted of an offense against the law. As FBI Identification Record was done and it was discovered that you were convicted of a crime against the law and that you failed to disclose that arrest prior to or after your employment with the United States Postal Service. In doing so, you falsified your employment application. That FBI Identification printout disclosed that you were arrested by Richmond Police Department on June 23, 1995 and you were charged with two counts. Charge #1 was "Fighting in public" and charge #2 was Violation of Court Order." As part of the application process, you signed a certification form which stated, "I certify that all of the statements made in this application are true, complete, and correct to the best of my knowledge and belief and are made in good faith." You falsified that application for employment with the United States Postal Service when you failed to disclose the

- 2 -

aforementioned conviction. As such you are to be removed from the Postal Service.

During your just cause interview, you were asked if your signature was on page 4 of the PS Form 2691 and you responded, "Yes." You were then asked if on page 3 of the PS Form 2591 you answered the questions part 3 (number 4-10) and you said, "Yes." You were then asked if those were your initials in questions 4-5 and 7a and you said, "Yes." You were then informed that on Tuesday December 18, 2007 I received an Investigative report from the United States Department of Justice FBI Division which was sent to Personnel Services and that report shows that you have two prior arrest and you were asked if the report was true. You responded yes and then you said no. When asked if the charges were not true you said, "Yes, but I did not think they mattered. I forgot about them."

Your explanation concerning the falsification of your employment application is unacceptable and your behavior will not be tolerated.

Your actions are inconsistent with sections 665.16, of the Employee and Labor Relations Manual (ELM), and Article 12.1.B of the CBA which states:

ELM 665.16 Your actions were in violation of 661.53 Unacceptable Conduct which States in part- No employee will engage in criminal, dishonest, Notoriously disgraceful or immoral conduct, or other conduct prejudicial to the Postal Service.

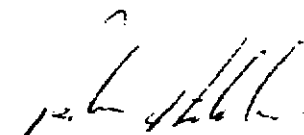
Article 12.1.B which states:

B. The parties recognize that the failure of the Employer to discover a falsification by an employee in the employment application prior to the expiration of the probationary period shall not bar the use of such falsification as a reason for discharge.

You have the right to file a grievance under the Grievance/Arbitration Procedure set forth in article 15 of the National Agreement within 14 days from your receipt of this notice. If you appeal this action, you will remain on the rolls in a non-pay status after the effective date of this action, until final disposition of your case has been decided either by settlement or exhaustion of your administration remedies.

If this is overturned on appeal, back pay will be allowed, unless otherwise specified in the appropriate award or decision. **Only if you have made reasonable efforts to obtain other employment during relevant non-work period.** The extent of documentation necessary to support your back pay claim is explained in the ELM, Section 436. ( Copy Attached)

- 3 -

A handwritten signature in black ink, appearing to be "J. L. Hill".

Supervisor Customer Service  
Oakley Post Office  
400 Dell Antico Avenue  
Oakley, CA 94561-9998

